



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

FEB 11 2016

REPLY TO THE ATTENTION OF:  
WU-16J

**CERTIFIED MAIL 7014 2870 0001 9579 9687**  
**RETURN RECEIPT REQUESTED**

Mr. Alan Gorlewski, District Manager  
S & M Liquid Tire Fill, Inc.  
19808 M-66 North  
Battle Creek, Michigan 49017

**Subject: Information Request No. V-UIC-16-1445-003 Pursuant to Section 1445(a) of the Safe Drinking Water Act, 42 U.S.C. § 300j-4, 40 C.F.R. §§ 144.17 and 144.51(h)**

Dear Mr. Gorlewski:

EPA is gathering information related to the operation of S & M Liquid Tire Fill, Inc.'s injection wells in Michigan. This request requires information regarding historic operations and maintenance of the Harold C. Garrett #1 (EPA# MI-025-2D-0023), Merriman #1-20A (EPA# MI-025-2D-0025), and Fairchild #3-22 (EPA# MI-025-2D-0026) injection well facilities in Calhoun County, Michigan. EPA is authorized under Section 1445(a) of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300j-4, and 40 C.F.R. §§ 144.17 and 144.51(h), to require reports and other information necessary to evaluate compliance with SDWA or its implementing regulations. In addition, Part I (E)(6) in each of your permits establishes the duty to provide information to determine compliance with the permit, as required under 40 C.F.R. § 144.51(h). Accordingly, you are directed under these authorities to provide EPA with the information requested in the enclosure.

Please submit the information requested in the accompanying documents with a statement certifying that all representations contained therein are true and accurate to the best of your knowledge and belief using the exact certification language provided in the Information Request. Please exercise care to assure that responses are complete and accurate. Failure to fully and truthfully respond to requests for information issued under Section 1445(a) of SDWA, 42 U.S.C. § 300j-4(a), can result in significant civil, criminal, or administrative penalties under Section 1423(b) of SDWA, 42 U.S.C. § 300h-2(b), and Section 1423(c) of SDWA, 42 U.S.C. § 300h-2(c). Please be advised that provisions of false, fictitious, or fraudulent statements or representations may subject you to criminal fines or up to five years of imprisonment or both under 18 U.S.C. § 1001.

EPA has the authority to use the information requested herein in an administrative, civil, or criminal action. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act, 44 U.S.C. §§ 3501 – 3521.

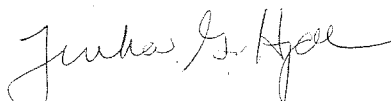
Neither the issuance of this Information Request by EPA nor compliance with this Information Request by you, relieves you of liability for any penalty, fine, remedy, or sanction authorized to be imposed pursuant to Section 1423(b) of SDWA, 42 U.S.C. § 300h-2(b), and Section 1423(c) of SDWA, 42 U.S.C. § 300h-2(c), including but not limited to any violations addressed by this Information Request. EPA specifically reserves the right to seek any or all of the remedies specified in Section 1423(b) of SDWA, 42 U.S.C. § 300h-2(b)(1), and Section 1423(c) of SDWA, 42 U.S.C. § 300h-2(c).

Please respond in writing with the information requested in the enclosure, within sixty (60) days of receipt of this letter to:

Underground Injection Control Branch  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd. (WU-16J)  
Chicago, Illinois 60604-3590  
Attention: Tim Elkins, Enforcement Officer

Thank you for your cooperation in this matter. Should you have any questions, please contact Tim Elkins of my staff at (312) 886-0263 or at [elkins.timothy@epa.gov](mailto:elkins.timothy@epa.gov).

Sincerely,



Tinka G. Hyde  
Director, Water Division

Enclosure

cc w/enclosures:

Denis Marcus, Vice President, S & M Liquid Tire Fill, Inc.  
Joe Pettit, MDEQ (via email)  
Larry Organek, MDEQ (via email)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>IN THE MATTER OF:</b>	)	Request No. V-UIC-16-1445-003
	)	
S & M Liquid Tire Fill, Inc.	)	Proceeding under
of Bothwell, Ontario, Canada	)	Section 1445(a) of the
	)	Safe Drinking Water Act,
UIC Permit Numbers:	)	42 U.S.C. § 300j-4,
MI-025-2D-0023 "Harold C. Garrett #1",	)	and 40 C.F.R. §§ 144.17
MI-025-2D-0025 "Merriman #1-20A", and	)	and 144.51(h)
MI-025-2D-0026 "Fairchild #3-22"	)	
	)	

**INFORMATION REQUEST**

**I. STATUTORY AUTHORITY**

The following request is made to S & M Liquid Tire Fill, Inc. ("S & M Liquid Tire Fill" or "You") pursuant to the authority vested in the Administrator of the U.S. Environmental Protection Agency by the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300f - 300j-26, 40 C.F.R. § 144.17, and Part I (E)(6) of S & M Liquid Tire Fill's Underground Injection Control (UIC) Permits referenced above, which establishes the duty to provide information required under 40 C.F.R. § 144.51(h). The EPA Administrator has delegated this authority to the Regional Administrator of EPA, Region 5, who has duly re-delegated this authority to the undersigned Director of the Water Division, Region 5. Failing to adequately respond to requests for information issued under Section 1445(a) of SDWA, 42 U.S.C. § 300j-4(a), can result in significant civil, criminal, or administrative penalties under Section 1423(b) of SDWA, 42 U.S.C. § 300h-2(b), and Section 1423(c) of SDWA, 42 U.S.C. § 300h-2(c).

**II. INSTRUCTIONS**

1. You must respond separately to each of the questions or requests in the Information Request. Where a "yes" or "no" answer is requested, you may provide additional information. Precede each answer with the number of the Information Request to which it corresponds. For each record produced in response to this Information Request, indicate on the record, or in some other reasonable manner, the number of the question or request to which it responds.
2. You must respond to each question or request based upon all information and records in your possession or control, or in the possession or control of your current or former employees, agents, contractors, or attorneys. Information must be furnished regardless of whether or not it is based on your personal knowledge, and regardless of source. You must provide responses to the best of your ability, even if the information sought was never put down in writing or if the written records are no longer available.

3. If information not known or not available to S & M Liquid Tire Fill, Inc. as of the date of submission of its response should later become known or available, it must supplement its response to EPA. Moreover, should You find, at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, it must notify EPA as soon as possible.
4. In answering each question or request, identify all persons and contributing sources of information You relied on for your answer.
5. If any of the requested records have been transferred to others or have otherwise been disposed of, identify each record, the person to whom it was transferred, describe the circumstances surrounding the transfer or disposition, and state the date of the transfer or disposition.
6. If You do not have records responsive to a particular question or request, state in your written response that S & M Liquid Tire Fill, Inc. does not have such documents.
7. Confidential Information. You must provide the information requested even though you may contend that it includes confidential business information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to 40 C.F.R. § 2.203(b). All information claimed to be confidential should be contained on separate sheet(s) and should be clearly identified as "trade secret" or "proprietary" or "company confidential." Your confidentiality claim should be supported by the submission of information consistent with 40 C.F.R. Part 2. Information covered by a confidentiality claim will be disclosed by EPA only to the extent, and only by means of the procedures, provided in 40 C.F.R. §§ 2.201 - 2.311. Under 40 C.F.R. § 144.5, the entitlement does not apply to information in permit application forms, and claims of confidentiality for the following will be denied: name and address of any permit applicant or permittee, permit applications, permits, and injection data. Failure to assert a business confidentiality claim makes all submitted information available to the public without further notice. **If no such claim accompanies the information received by EPA, it may be made available to the public by EPA without further notice to You.**
8. In submitting the information required in this Information Request, S & M Liquid Tire Fill, Inc. must provide the following certification signed by a person occupying an applicable position listed in 40 C.F.R. § 144.32 or a duly authorized representative of that person:

*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

The individual who prepared the response or the authorized representative acting on behalf of the company must sign and date the statement, affidavit, or certification. Include the company official's full title.

9. S & M Liquid Tire Fill, Inc. must maintain all reports and records reviewed or generated in the course of responding to this Information Request until EPA informs You that maintenance of such records is no longer required or for 3 years, whichever is sooner.

### III. DEFINITIONS

1. "Day" or "days" means a calendar day or calendar days. In computing any period of time under this Information Request, where the last day would fall on a Saturday, Sunday, or federal or state holiday, the period shall run until the close of the next business day.
2. "EPA" means the United States Environmental Protection Agency.
3. "Facility or activity" means any Well and tank batteries associated with such Well.
4. "Fluid" means any material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.
5. "Injection" means the subsurface emplacement of fluids through a well.
6. "Injection well" means a "well" into which "fluids" are being injected.
7. "Manifest" means the shipping document originated and signed by the "generator" which contains the information required by Subpart B of 40 C.F.R. Part 262.
8. "Owner or operator" means the owner or operator of any "facility or activity" subject to regulation under the UIC program.
9. "Permit" means the following authorizations issued by EPA to operate injection wells and implement the requirements of 40 C.F.R. Parts 144, 145, 146, and 124:  
MI-025-2D-0023 "Harold C. Garrett #1",  
MI-025-2D-0025 "Merriman #1-20A", and  
MI-025-2D-0026 "Fairchild #3-22"
10. "Person" means an individual, association, partnership, corporation, municipality, State, Federal, or Tribal agency, or an agency or employee thereof.
11. "Record" or "records" means, for purposes of this Information Request, any recording of information in tangible form. It includes, but is not limited to, documents, memoranda, reports, letters, maps, graphs, charts, log books, notes, emails, computer files, computer printouts, and computer databases.
12. "Regional Administrator" means the Regional Administrator of the appropriate Regional Office of the U.S. Environmental Protection Agency or the authorized representative of the Regional Administrator.

13. "SDWA" means the Safe Drinking Water Act (Pub. L. 93-523, as amended; 42 U.S.C. §§ 300f - 300j-26).
14. "SWD" means salt water disposal "well."
15. "Total dissolved solids" means the total dissolved (filterable) solids as determined by use of the method specified in 40 C.F.R. Part 136.
16. "Transferee" means the owner or operator receiving ownership and/or operational control of the well.
17. "Transferor" means the owner or operator transferring ownership and/or operational control of the well.
18. "UIC" means the Underground Injection Control program under Part C of the Safe Drinking Water Act, including an "approved State program."
19. "Underground injection" means a "well injection."
20. "Underground source of drinking water (USDW)" means an aquifer or its portion:
  - (a)(1) Which supplies any public water system; or
  - (2) Which contains a sufficient quantity of ground water to supply a public water system; and
    - (i) Currently supplies drinking water for human consumption; or
    - (ii) Contains fewer than 10,000 mg/l total dissolved solids; and
  - (b) Which is not an exempted aquifer.
21. "Well" means a bored, drilled, or driven shaft whose depth is greater than the largest surface dimension; a dug hole whose depth is greater than the largest surface dimension; an improved sinkhole; or a subsurface fluid distribution system.
22. "Well injection" means the subsurface emplacement of fluids through a well.
23. "You" for purposes of this Information Request means S & M Liquid Tire Fill, Inc., and its officers, managers, trustees, any agents, employees, contractors, or other entities that performed work or acted in any way on behalf of, or at the direction of S & M Liquid Tire Fill, Inc.

## IV. REQUESTS

### Contact Information

1. Identify all persons consulted or contacted in the preparation of the answers to this Information Request, and provide each contact person's full title, telephone, fax, and email contact information.
2. Provide the names and addresses of the locations where You maintain records relative to the operation and maintenance of each of the following wells (collectively, the Wells) located within Calhoun County, Michigan, and owned or operated by S & M Liquid Tire Fill, Inc.:
  - a. Harold C. Garrett #1 (UIC Permit Number MI-025-2D-0023),
  - b. Merriman #1-20A (UIC Permit Number MI-025-2D-0025), and
  - c. Fairchild #3-22 (UIC Permit Number MI-025-2D-0026)
3. Provide the names of the primary contact persons responsible for operation and maintenance of the Wells since January 1, 2013. Also include each contact person's full title, telephone, fax, and email contact information.

### Records Supporting the Monthly Monitoring Reports

4. Provide copies of all Records (including but not limited to daily sheets, notes, raw data, etc.) which You relied on to generate monthly monitoring reports You submitted to EPA for each Well since January 1, 2013, including but not limited to all Records identifying the date(s), time(s), technique(s) or method(s), result(s), and the name(s) of the individual(s) who performed measurements of injection pressure, annulus pressure, flow rate, and cumulative injected volume.
5. Provide copies of all gage calibration and maintenance records for the each Well since January 1, 2013.

### Sources of Injection Fluid

6. Provide the following information for all sources of injected fluids for each Well since January 1, 2013:
  - a. Name(s), address(es) and phone number(s) of the injected fluid's generator(s) or producer(s), including the name(s) of all persons that own or operate the production well(s) from which the injected fluids originated;
  - b. Name(s) and applicable Federal or State ID number(s) of the waste hauler(s) or transporter(s) which brought the injected fluids to the Wells or tank batteries;
  - c. Name(s) of the production well(s) from which the injected fluids originated;
  - d. Name(s) of field(s) or project(s) from which the injected fluids originated; and
  - e. The Township, Section and Range of each production well from which injected fluids originated (i.e. production well locations).

7. For each fluid received at each Facility since January 1, 2013 which originated from sources other than production wells owned or operated by You, please produce a chart including the information contemplated by the column headings below for each such fluid. If the volume of such fluid was metered, then provide in the chart the volume of fluid received at the Wells or at the Facility. If that flow is not metered, then provide in the chart estimates of the volume of fluids transported to the Facilities and injected into the Wells from sources not owned or operated by You since January 1, 2013. Describe the basis for all estimates of fluid volume.

Company, Well Name, Well Location and Fluid Type	Number of Barrels/Gallons Injected	Date(s) (mm/dd/yyyy)	Was EPA notified of the addition of this source with a permit modification request? Yes (with date) or No

8. Provide copies of all Records relied on to prepare answers to Request 7, including all field tickets, receipts, invoices, delivery records, brine manifests, or other Records.
9. Has S & M Liquid Tire Fill, Inc. injected any fluid or materials into any of the Wells which are not saltwater or brine from the production of oil and gas wells?  
Yes \_\_\_\_\_ No \_\_\_\_\_

If the answer to this question is yes, then for each such injection identify the Well name and location, and the source of the injected material, the date of injection, and volume of the fluid or materials injected.

10. Has S & M Liquid Tire Fill, Inc. entered into written (e.g. contracts, charters, etc.) or verbal agreements with other companies or oil and gas producers for the disposal of fluid at the Wells?  
Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please describe and include dates of transaction and terms of agreements, and provide copies of all written records of those agreements.

11. Has S & M Liquid Tire Fill, Inc. ever received payment for the injection of any fluids or other materials into any of the Wells?  
Yes \_\_\_\_\_ No \_\_\_\_\_

If the answer to this question is yes, identify the date and dollar amount of any such payment, service, or exchange of goods, the type and amount of the fluids, the name of the source of the fluids and provide copies of all Records which indicate the date and dollar amount of the payments.

### Ownership of the Wells

12. Provide the name and contact information of any person(s) or companies which have owned any stake or partial ownership of any of the Wells since January 1, 2013.
13. Has any ownership, in whole or part, of the Wells changed since the time Permits were issued to You?  
Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, provide copies of all records evidencing all changes in ownership and answer the questions below for each change in ownership.

Was the Michigan Department of Environmental Quality (MDEQ) notified of all changes in ownership?

Yes \_\_\_\_\_ No \_\_\_\_\_

Was the EPA notified of all changes in ownership?

Yes \_\_\_\_\_ No \_\_\_\_\_

Did MDEQ approve of changes in ownership or partial ownership of the Wells?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answer yes to any of the above questions, please explain any changes in ownership and provide all records of the notices and approvals.

### Corporate Structure

14. Is S & M Liquid Tire Fill, Inc. a Michigan corporation? If not, please identify the state/province and country of incorporation.
15. What is the corporate relationship between S & M Liquid Tire Fill, Inc. and Harold Marcus, Ltd.? Is S & M Liquid Tire Fill, Inc. a subsidiary, sister corporation, or division of Harold Marcus, Ltd.?

Please submit your responses to this Information Request within sixty (60) calendar days from the receipt of the letter transmitting this Request to:

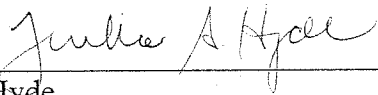
Underground Injection Control Branch (WU-16J)  
U.S. EPA Region 5  
77 West Jackson Blvd.  
Chicago, Illinois 60604-3590  
Attention: Timothy Elkins, Enforcement Officer

This Information Request is not subject to the Paperwork Reduction Act, 44 U.S.C. §§ 3501 - 3521, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

EPA may use the information submitted in response to this Information Request in an administrative, civil, or criminal action.

Neither the issuance of this Information Request by EPA nor compliance with this Information Request by you, relieves you of liability for any penalty, fine, remedy, or sanction authorized to be imposed pursuant to Section 1423(b) of SDWA, 42 U.S.C. § 300h-2(b), and Section 1423(c) of SDWA, 42 U.S.C. § 300h-2(c), including but not limited to any violations addressed by this Information Request. EPA specifically reserves the right to seek any or all of the remedies specified in Section 1423(b) of SDWA, 42 U.S.C. § 300h-2(b)(1), and Section 1423(c) of SDWA, 42 U.S.C. § 300h-2(c).

Please contact Tim Elkins of my staff at (312) 886-0263, or via email at [elkins.timothy@epa.gov](mailto:elkins.timothy@epa.gov), if you have any questions about this Information Request.

  
\_\_\_\_\_  
Tinka G. Hyde  
Director, Water Division  
U.S. Environmental Protection Agency  
Region 5

Date 2-11-16